

**MEMO ENDORSED**

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March 31, 2025

Hon. Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Via ECF and email to: [Andrew\\_Mohan@nysd.uscourts.gov](mailto:Andrew_Mohan@nysd.uscourts.gov);

Re: United States v. Alfredo Gallego  
95 Cr. 284 (LAK)  
93 Cr. 103 (LBS)

Dear Judge Kaplan:

Your Honor previously appointed me to represent the defendant, Alfredo Gallego, pursuant to the Criminal Justice Act in connection with his 2021 “compassionate release” motion in 95 Cr. 284 (LAK) (Docket 236). I have since corresponded with him and his Case Manager at FCI Schuylkill, James Hoban, who has provided me with his most recent BOP sentence calculation documents (attached as exhibits). These take into consideration both the case before Your Honor and the prior related case before the late Judge Sand referred to above, as to which this Court recently issued a Second Amended Judgement in 95 Cr. 284 re-sentencing Mr. Gallego to “430 months on each of counts S1(One) & S2(Two), the terms to run concurrently with one another and to run concurrently with the sentence the defendant was already serving at the date of the original J&C 11/8/1996”, as well as a lifetime term of Supervised Release (Docket 262).

Now, at Mr. Gallego’s request, I write to update the Court as to how the BOP has interpreted the Court’s most recent J&C and to the consequences thereof, and to seek a further modification from the Court based upon USSG 5G 1.3 (b)(d) since I believe that the BOP calculation does not represent the Court’s intent, in particular as to the concurrent nature of Your Honor’s sentence with respect to the Judge Sand case, which is based upon the identical conduct.

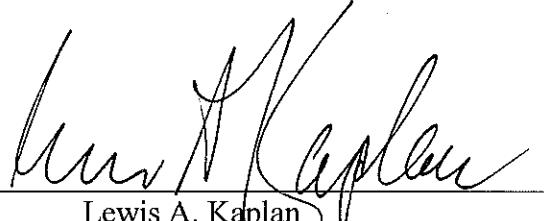
Memorandum Endorsement

United States v. Gallego, 95-cr- 284 (LAK)

The sentence reflected in the Second amended Judgment in this case accomplished precisely what the Court intended. No correction is necessary or appropriate. Accordingly, the application for a further modification is denied.

SO ORDERED.

Dated: April 1, 2025



Lewis A. Kaplan  
United States District Judge